

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19502 of 2007

Between:

Vikramanthi Peda Yerrayya and another.

.. PETITIONERS

and

The Revenue Divisional Officer/
Sub-Collector and another.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19502 of 2007

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ORDER:

It is the case of the petitioners that the 2nd respondent passed the impugned order in Ref.No.B/169/07, dated 10-07-2007, in exercise of the powers conferred under Section 4(1)(b) of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977, (for short "the Act") for eviction of the petitioners from the assigned land to an extent of Ac.5-00 cents in Sy.No.328/2 of Rajavommangi Village and Mandal, East Godavari District, on the ground that the said land was originally assigned in favour of Tribals and the petitioners are non-Tribals and the said land is not alienable under Section 4(a) of the Act and, therefore, the possession of the petitioners is illegal and contrary to Section 3 of the Act. It is stated that against the said order, the petitioners filed an appeal along with stay application before the 1st respondent on 06-08-2007 and the same are pending.

I am of the opinion that if the petitioners are non-Tribals and if the land in question is assigned land, the possession of the petitioners is illegal and contrary to Section 3 of the Act. But, however, as the appeal is pending before the 1st respondent, whether the said land is assigned land and whether the petitioners are non-Tribals are all the matters to be decided by the 1st respondent.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to consider and dispose of the appeal, as expeditiously as possible, in accordance with law. Pending disposal of the appeal, status-quo obtaining as on today with regard to the possession of the land in question shall be maintained. There shall be no

order as to costs.

13-09-2007

Note:

Issue C.C. in two days
(B/o)
Prv